

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Under the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold remote public hearings on Tuesday, January 30, 2024, at the respective times listed below, relative to the adoption of amendments to the following three regulations.

Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS establishes by regulation and biennially reviews the rates paid by governmental units to providers of social service programs and health services. All amendments to the regulations below are proposed in accordance with this statute. There is no fiscal impact on cities and towns.

For the proposed amendments to the regulations listed below, a cost adjustment factor (CAF) of 2.71% was applied for all increased rates, and was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2023 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2023 Q4) and the prospective period of calendar years 2024 and 2025. In addition to the CAF, salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2022 at the 53rd percentile. The tax and fringe rate has been benchmarked to 27.38% and the administrative allocation has been benchmarked to 12%. We have also updated the language for the Severability sections of each regulation for consistency across EOHHS rate regulations.

- 1. 10:00 a.m.: 101 CMR 414.00: Rates for Family Stabilization Services.** The rates for all services except Family Resource Centers and Flexible Supports are being increased. The total estimated FY24 annualized cost to state government from the increase in rates established by this proposed amendment is \$46.4M, which represents an increase of 12.7% over FY23 spending of approximately \$182.8 million. These costs will not be realized until January 1, 2024, at which point the FY24 fiscal impact to state government will be approximately \$23.2M for the increase to existing rates. The proposed amendments to the regulation contain rates effective for dates of service on or after January 1, 2024.
- 2. 11:00 a.m.: 101 CMR 422.00: Rates for General Programs — Disability Services.** The rates for all services are being increased. The total annualized cost to state government from the increase in rates proposed by this regulation is approximately \$1.1M, which represents an increase of approximately 16.37% over FY23 rate spending of approximately \$7.1 million. These costs will not be realized until January 1, 2024, at which point the FY24 fiscal impact to state government will be \$575,097 for the increase to existing rates. The proposed amended regulation contains rates for dates of service on or after January 1, 2024.
- 3. 12:00 p.m.: 101 CMR 349.00: Rates for Early Intervention Program Services.** The rates for all services are being increased. The total estimated FY25 annualized fiscal impact of the proposed amendment is \$18.1M (based upon FY23 spending of \$55M). These amendments represent an increase of approximately 32.90% over FY23 spending. The proposed regulations contain rates effective for dates of service on or after July 1, 2024.

To register to testify at any of the hearings and to get instructions on how to join the hearing

online, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Tuesday, January 30, 2024. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current drafts of the proposed regulations, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171. To view or download supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed regulations taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

January 5, 2024